

REMARKS

Claims 1-29 are pending and rejected under 35 U.S.C. § 103. Claim 15 is canceled and claims 1, 11-13, and 16 are amended. Upon entry of the above amendments, claims 1-14 and 16-29 will remain pending. Support for the claim amendments may be found throughout the specification and particularly in paragraph [0044] of the as-filed specification. No new matter has been added.

Rejections under 35 U.S.C. 103(a)

Claims 1, 6-9, 12-13, 17-21, 25, and 27-29 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Rao (US Patent Pub. 2005/0114800) in view of Knight (US Patent Pub. 2005/0049533); claims 2, 3, and 14 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Rao in view of Knight in further view of Herberger (US Patent 7,352,952); claims 4, 5, 15, 16, and 22-24 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Rao in view of Knight in further view of Nayeri (US Patent 6,957,398); claims 10-11 stand rejection under 35 U.S.C. 103(a) as allegedly being unpatentable over Rao in view of Knight in further view of Sesek (US Patent Pub. 2002/0196294); and claim 26 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Rao in view of Knight and in further view of Hovell (US Patent 5,905,971). These rejections are respectfully traversed.

The Rao reference relates to a media presentation composed of media objects that are assembled into a media presentation and delivered to a device as a screensaver. The Knight reference relates to a screensaver window having an active region selectable by a user and a first mobile image, wherein a selection of the active region causes an additional image to be displayed over the screensaver window. The Herberger reference relates to a themed template which is designed to assist novice video editors to quickly compose a complete video work that memorializes a particular familiar occasion based upon annotations for actively collected media snippets. The Nayeri reference relates to an interactive screensaver that manages files sent by a number of concurrent users for integration with and display on the screensaver. The Sesek reference relates to a calendar screensaver displayed on a computer device's monitor, and the Hovell reference relates to methods for automatic speech recognition.

With regard to claim 1, the claim has been amended to recite “collecting active and passive rating information for said collection of content” and “receiving actively and passively collected information corresponding to the trigger from the individual.” The Office Action admits on page 12 that the Rao and Knight references do not teach “*the idle mode receiving actively collected information...comprising a rating to be included with the piece of content.*” Applicants agree with this statement. However, the Office Action seems to assert that the claimed feature is taught by the Nayeri reference in the Abstract. Applicant disagrees.

The Abstract of Nayeri discloses only that individual users of a collaborative screensaver may include ratings for their portions of collaborative information included with the screensaver. This disclosure relates only to active rating information that a user may wish to supply with a screensaver file contribution. This is not the same as collecting both active and passive rating information about a collection of content. In addition, the active and passive ratings may be supplied by either a user or by the computing device upon which the idle mode process is installed in the as-filed application. This is very different than the minimal set of information that must be actively inserted by users as disclosed by Nayeri. Thus, the combination of Rao, Knight and Nayeri does not provide the disclosure necessary to render claim 1 obvious.

The Office Action refers to the Herberger, Seseek and Hovell references to cure the deficiencies of the combined Rao, Knight and Nayeri references with regard to claims 2-14 and 16-29; however, each of these claims is descended from independent claim 1 and, as such, inherits the novel features of claim 1. The Herberger, Seseek and Hovell references must, therefore, remedy the deficiency of the combined Rao, Knight and Nayeri references with regard to the features of claim 1 to establish *prima facie* obviousness rejection under 35 USC 103(a). However, each of the secondary references provided by the Office Action is silent with regard to the above-referenced features that are not disclosed or taught by the combined Rao, Knight and Nayeri references. Thus, the secondary references do not provide the disclosure or teaching necessary to cure the deficiencies of the combined Rao, Knight and Nayeri references.

Thus, the Rao, Knight, Nayeri, Herberger, Seseek and Hovell references, either separately or in combination, do not disclose or teach the above recited elements of claims 1-

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14 and 16-29. Therefore, claims 2-14 and 16-29 are patentable over the various combinations of Rao with Knight, Herberger, Nayeri, Sesek, and Hovell for at least these reasons. Reconsideration and allowance of claims 1-14 and 16-29 is respectfully requested.

Conclusion

For the forgoing reasons, the applicants respectfully submit that the instant application is in condition for allowance. Reconsideration and early allowance is hereby respectfully requested.

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